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Office of the Commissioner of Securities and Insurance Agent for Service of Process Fact Sheet

The Office of the Commissioner of Securities and Insurance is charged with the duties of regulating the insurance and securities industry in Montana. Pursuant to Montana Statute, the Commissioner, in performing those duties, shall act as the Agent for Service of Process under certain circumstances.

What entities does the Commissioner act as Agent for?

- All insurance companies doing business in Montana;
- Non-resident insurance producers (agents);
- Montana Guaranty Association;
- Risk Retention and Purchasing Groups registered in Montana;
- All securities issuers registered or notice filed with the Montana Securities Dept.;
- All broker/dealer firms doing business in Montana;
- All investment advisory firms doing business in Montana;
- All securities salespersons doing business in Montana;
- All licensed firms and persons offering or selling living trusts in Montana;
- All multi-level distribution companies doing business in Montana.

What items need to be sent to the Commissioner?

- ✓ Duplicate (two) copies of all Service of Process. (*Original summons not needed.*)
- ✓ \$10.00 service fee per insurance company. (Made payable to the *Commissioner of Insurance.*)
- ✓ Specific company name. (The Commissioner cannot accept service for a group of companies.)
- ✓ One signed original and one copy of the notice and acknowledgement of service (*if sent by mail.*)

How is service delivered to the Commissioner?

- ✓ U.S. Postal Service
- ✓ Sheriff's Office
- ✓ Process Server
- ✓ Personal Delivery
- ✓ Levying Officer

What Statutes are referenced for Service of Process?

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| 33-1-601 | Commissioner – Attorney for Service of Process (insurance companies) |
| 33-1-603 | Serving process – time to plead, costs (insurance companies) |
| 33-11-104(1)(c) | Risk retention groups not chartered in Montana |
| 33-11-108(2) | Notice and registration requirements of purchasing groups |
| 33-17-405 | Commissioner – Attorney for service of process (non-resident producers) |
| 30-10-208 | Serving process – brokers/dealers, investment advisers, multi-level distribution companies, securities salespersons |
| 30-10-908 | Serving process – living trust |
| 30-10-326 | Consent to Service – multi-level distribution company |
| 25-20-II-4D(1)(b)(i) | Rules of Civil Procedure |